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EXAMINER
DECKER, CASSANDRA L

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte JOS DEN HARTOG, ROGIER AUGUST NOLDUS, RAKESH TAORI, and YUN CHAO HU

Appeal 2016-000632
Application 11/572,981
Technology Center 2400

Before: BRUCE R. WINSOR, WILLIAM M. FINK, and JOHN R. KENNY, *Administrative Patent Judges*.

KENNY, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

This is an appeal under 35 U.S.C. § 134(a) from rejections of claims 1, 2, 4–23, and 25–32, which constitute all pending claims. Final Act. 1; App. Br. 8. We have jurisdiction under 35 U.S.C. § 6(b).

We REVERSE.

CLAIMED INVENTION

According to Appellants, the disclosed invention relates to establishing a correlation between two or more communication sessions at packet- and circuit- switched parts of a telecommunications network. Spec. 1:10–18. Claim 1, reproduced below with its disputed limitation italicized, is illustrative of the claimed subject matter:

> 1. A method for providing a verification of whether a call via a Circuit Switched (CS) network and a related Packet Switched session via a Packet Switched (PS) network are combinational, within a telecommunications system comprising said PS and CS networks, where the PS and CS networks are connecting at least a first user equipment and a network entity, where each of the first user equipment and the network entity has a respective connection associated with a respective PS network address in the PS network and a respective connection associated with a respective CS network address in the CS network, the method comprising the steps of:
>
> establishing a presence of the call in the Circuit Switched network and the related PS session in the Packet Switched network, between the first user equipment and the network entity, the call and the related PS session being present simultaneously, *in response to the presence of the call and the related PS session being established, performing a real-time combinational check verifying that the call and the related PS session originate at the first user equipment and terminate at the network entity*;
>
> providing at least one subsystem with the verification of the performed real-time combinational check.

REFERENCES

Granberg	US 6,353,740 B1	Mar. 5, 2002
Neti	US 2002/0078194 A1	June 20, 2002
Grinn	US 2002/0102962 A1	Aug. 1, 2002
Lewis	US 2002/0194331 A1	Dec. 19, 2002
Greenspan	US 2005/0165719 A1	July 28, 2005

Sindhwani	US 2005/0190747 A1	Sept 1, 2005
Parker	US 7,099,288 B1	Aug. 29, 2006
Kaneko	US 7,221,940 B2	May 22, 2007
Harris	US 7,233,786 B1	June 19, 2007

REJECTIONS

Claims 1, 8–12, 15, 17, 18, 25–27, and 29–32, stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Greenspan and Grinn. Ans. 2.

Claims 2, 4–7, and 20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Greenspan, Grinn, and Parker. Ans. 9–10.

Claims 13 and 16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Greenspan, Grinn, and Lewis. Ans. 14.

Claims 14 and 15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Greenspan, Grinn, and Sindhwani. Ans. 15.

Claim 19 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Greenspan, Grinn, Parker, and Kaneko. Ans. 16.

Claim 21 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Greenspan, Grinn, Parker, and Granberg. Ans. 17.

Claim 22 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Greenspan, Grinn, Parker, and Lewis. Ans. 17.

Claim 23 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Greenspan, Grinn, Parker, and Neti. Ans. 18.[1]

ANALYSIS

The Examiner finds that Greenspan teaches or suggests all of the limitations of claim 1, other than explicitly teaching or suggesting the disputed, responsive limitation of "in response to the presence of the call and the related PS session being established, performing a real-time combinational check verifying that the call and the related PS session originate at the first user equipment and terminate at the network entity." Final Act. 5–6. The Examiner finds that Grinn with Greenspan teaches or suggests this responsive limitation. *Id.* at 6.

Appellants argue that the combination of Greenspan and Grinn does not teach or suggest the limitation because, Greenspan, which the Examiner cites for the PS session, establishes the PS session between two network entities after associating the PS session with its related call (i.e., establishes the PS session based on attributes of the related call). App. Br. 4–7; Reply Br. 1–4. Appellants further argue that, because Greenspan establishes its PS session based on attributes of its related call, an ordinarily skilled artisan has no reason to subsequently verify the association between the PS session and the call. App. Br. 4–7; Reply Br. 1–4.

[1] In the Final Action, the Examiner also rejected claims 1, 2, 4–23, and 25–32 under 35 U.S.C. § 112 ¶ 2. Final Act. 3. The Examiner, however, withdrew that rejection in the Answer. Ans. 20.

The Examiner disagrees, finding Greenspan establishes both the call and its related PS session before associating them. Ans. 20–25. The Examiner identifies the related PS session as the session used for Greenspan's combinational check. *Id.* at 21, 24. Appellants counter that the identified PS session does not connect, as required by claim 1, the same network entity with the same user equipment as the related call. App. Br. 6–7; Reply Br. 2–4.

We agree with the Appellants. The responsive limitation requires that the call and the related PS session originate at the first user equipment and terminate at the network entity, meaning both the call and the PS session terminate at the same network entity. As Appellants note, Greenspan describes a call between communication appliances 100 and 104 over first communication network 102. Greenspan ¶¶ 36, 38, Fig. 1; Reply Br. 3. Greenspan further describes having the users of appliances 100 and 104 log into data communication service 118 via terminal devices 106 and 110, respectively, to permit communication (a PS session) between those terminal devices. Greenspan ¶ 38. In Greenspan, the PS session between those terminal devices is the recited "PS session." The PS session cited by the Examiner as used for the recited "combinational check," however, is not that session. Ans. 21; Reply Br. 3. Instead, it is the PS session between one of more of the terminal devices and session management server 126. Ans. 21 (identifying the PS session from the terminal that allows the combinational check, which is identified as being disclosed in paragraphs 41 and 42 in which session management server 126 performs the check (see Final Act. 6, Greenspan ¶¶ 41, 42)). Session management server 126 is not the same network device as either communication appliance 100 or 104. *See*

Greenspan Fig. 2, Reply Br. 3. Therefore, the identified PS session is not the recited PS session.

The Examiner provides no reason why an ordinarily skilled artisan would perform a real-time combinational check verifying the association between the call between appliances 100 and 104 and the related, recited PS session extending between terminals 106 and 110. As Appellants note, Greenspan establishes the PS session between terminals 106 and 110 based on attributes of the call between appliances 100 and 104, therefore, there would be no apparent need to verify the association. App. Br. 4–7; Greenspan Figs. 3A–3C. (In contrast, in Appellants' Specification, the call and the PS session are independently established, and the verification of their association is done for billing purposes. Spec. 2:15–31; 3:11–25; 8:4–29; 9:24–10:5.)

Accordingly, on the record before us, we do not sustain the obviousness rejection of claim 1 or of claim 25, which recites a corresponding limitation. Claims 2, 4–23, and 26–32 each ultimately depend on one of claims 1 or 25. Accordingly, we also do not sustain the obviousness rejections of claims 2, 4–23, and 26–32.[2]

DECISION

We reverse the obviousness rejections of claims 1, 2, 4–23, and 25–32.

REVERSED

[2] In light of this disposition, Appellants' arguments regarding the disputed limitation in dependent claim 5 are moot. App. Br. 7–8.